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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5, 7-13, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubert et al. (US Patent # 6,894,610 B2), and further in view of Carlson et al. (Pub # US 2004/0059205 A1).

Consider claim 7, Schubert et al. teaches a warning system to be carried on a person working in hazardous conditions, the warning system comprising: a control unit (central monitoring unit) (1, Fig. 1) with a motion detector (5, Fig. 1), an alarm transmitter (communication module) (16, Fig. 1) and a display (2 or 3, Fig. 1), wherein the warning system further comprises a receiver (inherent in the communication module) (16, Fig. 1), the control unit (central monitoring unit) (1, Fig. 1) configured to operate via a connection with at least one of: i) a radio pressure gauge for a compressed air breathing apparatus; ii) a vital function radio monitor; and iii) a radio measuring device for detecting gas and temperature conditions, the control unit operable selectively as at least one of: a) a standalone base warning system; or b) via a connection with at least one of: i) a radio data transmitter; and ii) a walkie-talkie.

Schubert et al. does not teach a memory for recording incidents and wireless radio connection.

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In the same field of endeavor, Carlson et al. teaches a memory for recording incidents [0090 lines 16-19] and wireless radio connection [0088] (Fig. 3) for the benefit of recording real time data and enhancing the system mobility.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a memory for recording incidents and wireless radio connection as shown in Carlson et al., in Schubert et al. device for the benefit of recording real time data and enhancing the system mobility.

Consider claim 2, Schubert et al. clearly show and disclose the warning system, characterized in that wherein the radio pressure gauge is a pressure sensor (15, Fig. 1) with a short-distance transmitter (communication module) (16, Fig. 1) connected to a compressed-air cylinder (Column 3 lines 8-26).

Consider claim 3, Schubert et al. clearly show and disclose the warning system, characterized in that wherein the vital function radio monitor includes at least a vital sensor (Column 1 line 50) combined with a short-distance transmitter (communication module) (11, Fig.1) for collecting a user's vital data.

Consider claim 4, Schubert et al. clearly show and disclose the warning system, characterized in that wherein the radio measuring device includes a gas or temperature sensor (15, Fig. 1) coupled with a short-distance transmitter (communication module) (11, Fig. 1) (Column 3 lines 8-26).

Consider claim 5, Schubert et al. clearly show and disclose the warning system, characterized in that wherein the control unit (monitoring unit) (1, Fig. 1) is configured to allow

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coupling of a camera (14, Fig. 1) and/or thermal image camera can be coupled with the control unit (Column 3 lines 34-44).

Consider claim 8, Schubert et al. teaches the warning system wherein the control unit (monitoring unit) (1, Fig. 1) is configured to operate via a connection with each of a radio pressure gauge for a compressed air breathing apparatus, a vital function radio monitor and a radio measuring device for detecting gas and temperature conditions (Column 4 lines 22-34 and Column 1 lines 40-45).

Schubert et al. does not teach the wireless radio connection.

In the same field of endeavor, Carlson et al. teaches the wireless radio connection [0088] for the benefit of enhancing the system mobility.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the wireless radio connection as shown in Carlson et al., in Schubert et al. device for the benefit of enhancing the system mobility.

Consider claims 9 and 10, Schubert et al. teaches the warning system wherein the control unit is configured to operate via a physical link (fiber optics) (Column 4 lines 34-35) connection with each of a radio data transmitter (telemetric module 17) except a walkie-talkie. Although Schubert et al. does not specifically disclose the walkie-talkie, he does disclose a communication module (16, Fig. 1) in the helmet/mask (Column 3 lines 38-39) for transfer the information. The walkie-talkie is just a device selection among the communication protocol, such selection is a design choice for the particular application.

Consider claim 11, Schubert et al. teaches a warning system to be carried on a person working in hazardous conditions, the warning system comprising: a control unit (monitoring

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unit) (1, Fig. 1) with a motion detector (5, Fig. 1), an alarm transmitter (4, Fig. 1) and a display (2 or 3, Fig. 1), wherein the warning system further comprises a receiver (inherent in the communication module) (16, Fig. 1), the control unit configured to operate via a connection with at least one of: i) a radio pressure gauge for a compressed air breathing apparatus; ii) a vital function radio monitor; and iii) a radio measuring device for detecting gas and temperature conditions (Column 1 lines 36-59).

Schubert et al. does not teach a memory for recording incidents and wireless radio connection.

In the same field of endeavor, Carlson et al. teaches a memory for recording incidents [0090 lines 16-19] and wireless radio connection [0088] (Fig. 3) for the benefit of recording real time data and enhancing the system mobility.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a memory for recording incidents and wireless radio connection as shown in Carlson et al., in Schubert et al. device for the benefit of recording real time data and enhancing the system mobility.

Consider claim 12, Schubert et al. teaches the warning system.

Schubert et al. does not teach wherein the control unit has an overall configuration and size that allows the control unit to be carried on a person, as in a pocket.

In the same field of endeavor, Carlson et al. teaches wherein the control unit has an overall configuration and size that allows the control unit to be carried on a person, as in a pocket [0094 lines 25-28] for the benefit of conveniently transport through the hazardous environment.

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Therefore, it would have been obvious to a person of ordinary skill in the art at time the invention was made to include the control unit has an overall configuration and size that allows the control unit to be carried on a person as shown in Carlson et al., in Schubert et al. device for the benefit of conveniently transport through the hazardous environment.

Consider claim 13, Schubert et al. clearly show and disclose the warning system wherein a radio data transmitter is connected to the control unit for transmitting data received by the control unit to at least one of a master station and a data-capable walkie talkie for communication with another control unit and/or the master station (Column 3 lines 35-43).

Consider claim 17, Schubert et al. clearly show and disclose the warning system wherein the control unit is configured to operate as a standalone base warning unit (Column 3 lines 35-43).

Consider claim 18, Schubert et al. clearly show and disclose the warning system wherein a radio data transmitter is connected to the control unit for transmitting data received by the control unit to at least one of a master station and a data-capable walkie talkie for communication with another control unit and/or the master station (Column 3 lines 35-43).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 2-5, and 7-16 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK WANG whose telephone number is (571)272-1938. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Bugg can be reached on 571-272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/JACK WANG/  
Examiner, Art Unit 2612

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Primary Examiner, Art Unit 2612